

MOUNTAIN VIEW ELECTRIC ASSOCIATION, INC.
SPECIAL PROCEDURAL RULES FOR CONSIDERATION OF
PURPA TITLE I STANDARDS
AS REQUIRED BY ENERGY INDEPENDENCE & SECURITY ACT OF 2007

Adopted 4-18-08

Pursuant to statutory directives in the Energy Independence & Security Act of 2007 (hereinafter "The Act,") Mountain View Electric Association, Inc. (hereinafter "MVEA") is required to consider and make a determination whether or not it is appropriate to adopt four new standards set forth in Section 111(d) of the Public Utilities Regulatory Policies Act, as amended, (hereinafter "PURPA") based upon evidence collected from interested persons after public notice and hearing. These rules are adopted to establish the procedure that MVEA will use in complying with The Act.

I. Board of Directors

All final decisions in this proceeding shall be made by the Board of Directors of MVEA (hereinafter "The Board.") Interlocutory decisions on motions or other interim matters may be made by the President of The Board, or if necessary in his absence by the Vice-President of the Board. The President of The Board, or in his absence the Vice-President of The Board shall be the presiding officer at all hearings in this proceeding.

II. Parties, Amicus Curiae and Non-Parties

1. Parties to this proceeding shall include

- a. Staff of MVEA and consultants retained by such staff;
- b. Staff of Tri-State Generation and Transmission Association, Inc., MVEA's wholesale power supplier, and consultants retained by such staff;
- c. Any member of MVEA that files a written notice to intervene in this proceeding with the Board, no later than July 24, 2008; which notice shall identify which of the four standards the Party wishes to address by their participation, and shall give the mailing address, telephone number and e-mail address of the Party;
- d. Any designated representative of the Secretary of Energy, USDOE.

2. Amicus Curiae in this proceeding shall include any person or entity that is not a party that wishes to file written comments during the periods allowed for pre-filed testimony or rebuttal testimony. An amicus curiae may not participate in the proceeding except as provided in this paragraph.

3. Any member of MVEA, **that serves a Notice of Intent to Participate by close of business, October 9, 2008**, may participate in the proceeding, even though not a party, by offering spoken or written comments at the public hearing to be held on October 21, 2008, in accordance with these rules. Such member shall be designated as a "public participant." Public participants may not participate in the proceeding except as provided in this paragraph.

III. Attorneys and Representation

Representation by an attorney is not required in this proceeding, however any party may choose to be represented by an attorney who is currently in good standing before the Colorado Supreme Court, or the highest tribunal of any other state in which case the filings required by C.R.C.P. Rule 221.1. shall be filed with The Board, and no cooperating Colorado attorney will be required. No attorney shall appear in this proceeding before he/she has filed an Entry of Appearance for the record.

Any individual who is not an attorney may represent in this proceeding:

- a. his or her own interests;
- b. the interests of a family owned corporation, partnership or LLC, or the interests of a closely held entity as defined in 13-1-127, C.R.S.; or
- c. a subdivision of government, corporation, partnership or LLC, other than a family owned or closely held entity, upon filing a resolution of the governing body of such entity authorizing his or her representation.

An attorney may withdraw by following the provisions of C.R.C.P. Rule 121 Section 1-1.

IV. Motions

Except for motions made during the hearing, any motion involving a contested issue shall be supported by a recitation of legal authority incorporated into the motion, and shall be filed no later than fourteen (14) days prior to the scheduled hearing. All responses to motions shall be filed within seven (7) days after service of the motion. Failure to file a response shall be deemed a confession of the motion. A movant may not file a reply to responses unless the Board orders otherwise.

V. Pre-Hearing Conference

The Board will hold a pre-hearing conference to respond to procedural questions at 9:00 a.m., during its regular monthly meeting on July 17, 2008 at MVEA's Falcon Operations Center, 11140 East Woodmen Road, Falcon, Colorado. Any Party, or any Member of MVEA that is considering whether or not to become a Party, may submit procedural questions to the Board in one of two ways:

- a. by mailing the question(s), addressed to: PURPA Hearing Board, Mountain View Electric Association, Inc. P.O. Box 1600, Limon, Colorado 80828-1600, postmarked no later than Thursday, July 10, 2008; or
- b. by attending the pre-hearing conference in person.

All questions thus submitted will be addressed at the pre-hearing conference, and responses will be posted on MVEA's web-site, www.mvea.coop. In addition, a written response will be mailed directly to anyone submitting a question by mail.

VI. Disclosure of Expert Witnesses

No later than August 7, 2008 any Party that wishes to sponsor evidence to be presented by a witness other than themselves shall file with the Board a written statement identifying such witness(es), and including the mailing address and telephone number of such witness(es), a brief statement of the qualifications of such witness(es) and a brief summary of the evidence to be presented by such witness(es).

VII. Limited Discovery

Each Party, including any Member of MVEA that has filed a Notice of Intervention, as required by Section II.1.c. of these rules, may submit one set of written interrogatories and request for production of documents, not to exceed a total of thirty (30) questions or requests, to any other party. Such limited discovery shall be served on the Party from whom the information is sought no later than August 29, 2008. A copy of each such limited discovery shall be filed with the Board. Responses shall be mailed to the requesting Party, with a copy filed with the Board, no later than twenty (20) days after service of the interrogatories and request.

VIII. Pre-Filed Testimony and Exhibits; Statements of Amicus Curiae

Each Party shall file copies of its testimony and exhibits, for every witness that it is sponsoring, with the Board no later than September 30, 2008, and shall serve a copy of such testimony and exhibits at the same time upon every other Party that has entered an appearance in this proceeding. Any amicus curiae that wishes to provide a statement of position prior to the Public Hearing shall file such statement with the Board, and serve a copy upon every Party no later than September 30, 2008. Parties that do not pre-file testimony and exhibits in accordance with this rule will be limited at the public hearing to making public participant statements.

IX. Public Hearing.

A public hearing will be held beginning at 9:00 a.m. on October 21, 2008 at the Limon Headquarters Building of MVEA, 1655 - 5th Street, Limon, Colorado.; **provided that if no Notice of Intervention or Notice of Intent to Participate is received by the Board from a member or representative of the Department of Energy prior to close of business on October 9, 2008, the Board may proceed to cancel the Public Hearing and proceed to a decision based solely on the written record.** In the event that the public hearing can not be concluded on October 21, it will continue on the next day.

The four standards will be addressed individually at the public hearing in the following order:

1. Integration of energy efficiency into IRP as a priority resource
2. Promote energy efficiency through rate design
3. Adoption of "Smart Grid" technologies
4. Provide information on time-based prices and sources of generation to consumers

For each standard, the hearing will proceed in the following order:

- acceptance of pre-filed testimony and exhibits by MVEA staff and retained expert witnesses
- acceptance of pre-filed testimony and exhibits by Tri-State staff and retained expert witnesses
- acceptance of pre-filed testimony and exhibits by Parties who are members of MVEA and retained witnesses
- acceptance of pre-filed testimony and exhibits by US Department of Energy and retained witnesses
- statements by Public Participants who are not Parties; the time limit for these individual statements will be set, at between two and five minutes, by the presiding officer.

A transcript shall be kept of the Public Hearing, and copies of the transcript shall be made available on MVEA's website. Paper copies of transcript may be ordered, in accordance with directions posted on MVEA's website, for the cost of reproduction.

X. Rebuttal

Any Party or Amicus Curiae that wishes to file a written response to pre-filed testimony or statements made at the public hearing may do so by filing a Rebuttal Statement, not to exceed ten (10) pages, no later than October 30, 2008. Such Statement shall be filed with the Board, and a copy shall be served on all other Parties.

XI. Determination of the Board

The Determination of the Board, based upon the record of this proceeding, and as required by the Energy Independence & Security Act of 2007 shall be posted on MVEA's website and served on all Parties of record no later than December 19, 2008.

XII. Exceptions

Any Party that believes the Determination of the Board is not based upon the record of this proceeding may file written Exceptions to the Determination of the Board no later than December 31, 2008. The Board will review any filed Exceptions and issue its Final Decision, considering any such Exceptions, no later than January 31, 2009.

XIII. Record.

The record of this proceeding shall consist of all testimony, exhibits and statements filed with the Board and testimony and statements made during the public hearing.

XIII. Format of Filings.

All filings should be typed if possible. Typed filings shall be double spaced with one inch margins and paginated, with appropriate heading so that the reader will know with specificity

which of the five standards is being addressed. The filings shall identify the name of the Party making the filing along with the address, telephone number and (if available) the e-mail address of the filing Party.

Where possible, all filing should be made electronically to the e-mail address of the Board set forth below and to e-mail addresses of Parties as posted on the MVEA website. E-mail filings shall be made only in one of the following formats: MS-Word, Rich-text Format, MS-Excel or Acrobat(PDF).

For any filing that is not made electronically, including exhibits to any filing, an original plus ten (10) copies shall be mailed, by first class or priority mail, to the PURPA Hearing Board at the address below and to each party of record, including MVEA Staff, as posted on the MVEA web site.

XIV. Notice and Service.

All notices and filings to the Board that are required by these rules shall be sent:

1. by U.S. Mail, first-class postage pre-paid, to PURPA Hearing Board, Mountain View Electric Association, Inc. P.O. Box 1600, Limon, Colorado 80828-1600; or
2. By e-mail to purpaboard@mvea.org.

Notices and filings shall be served on other parties by first class mail or e-mail to the addresses posted on the MVEA web site. Notices shall be deemed served as of the date of mailing.

XV. Posting on MVEA Web-site.

The following information will posted on MVEA's web-site for the duration of this proceeding, and for a minimum of 90 days following the Board's issuance of its determination in accordance with the Energy Independence and Security Act of 2007:

1. These procedural rules
2. A list of all Parties that have filed entries of appearance, with contact information
3. Answers to all procedural questions filed with the Board.
4. Pre-filed testimony filed by the Parties
5. Statements of amicus curiae
6. Transcripts of the public hearing, and information on obtaining copies
7. Rebuttal statements filed by the Parties
8. The initial decision by the Board following public hearing.
9. Exceptions to the Board decision.
10. The final decision of determination made by the Board.

MVEA's website is www.mvea.coop. The above information will be posted on a page

entitled “PURPA Title I Hearings”, which can be reached through a link on the homepage of the website.

XVI. Motions for Attorney Fees and Costs.

Any consumer of MVEA that believes that it is entitled to reimbursement of attorney fees and costs pursuant to The Public Utilities Regulatory Policies Act, 16 U.S.C. 2632 shall submit a motion for reimbursement of attorney fees and costs no later than thirty (30) days following the posting of the Decision of Determination on MVEA’s website. Such motion shall include specific reasons why the consumer is entitled to such reimbursement under the statute as well as a detailed listing of all attorney fees and costs that are sought to be reimbursed. The Board will endeavor to rule on all such motions within sixty (60) days following the posting of the Decision of Determination.